JOSEPH P. RUSSONIELLO, CSBN 44332 1 United States Attorney 2 MOSMAWS MMAOL Assistant United States Attorney Chief, Civil Division 3 4 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 5 Telephone: (415) 436-6855 Attorneys for Defendant 6 UNITED STATES DISTRICT COURT 7 NORTHERN DISTRICT OF CALIFORNIA 8 9 10 MICHAEL C. DAVIS. 1.). CIVIL NO. 07-4524 Plaintiff. 12 DECLARATION OF MICHAEL HANSON V. 13 BOSS/MASC, 14 Defendant, 15 COMMISSIONER OF SOCIAL SECURITY, 16 Defendant. 17 18 DECLARATION OF MICHAEL HANSON 19 I, Michael Hanson, pursuant to 28 U.S.C. § 1746, declare and state as follows: 20 I am a Program Specialist for the San Francisco Regional Office of the Social Security 1. 21 Administration, an agency of the United States of America and, in such capacity, I am 22 authorized to make this affidavit for and on behalf of the Commissioner 23 ("Commissioner") of the Social Security Administration ("SSA") and having personal 24 knowledge of the facts hereinafter stated or having knowledge thereof by reason of the 25 SSA's records kept in the normal course of its business. 26 On May 1, 2000, SSA found that Michael Davis qualified for supplemental security 2. 27 income ("SSI"), with benefits effective December 1999 and continuing. 28

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3.	Also on May 1, 2000, SSA disbursed an advance benefit payment of \$765.00 to the
	Plaintiff because of a dire need circumstance.

- On May 2, 2000, SSA certified Plaintiff's SSI benefit payments to Building Opportunities 4. for Self Support (BOSS) as Plaintiff's representative payee, in accordance with 20 C.F.R. § 416.601, et. seq.
- Thereafter, Plaintiff's SSI benefit payments were made by SSA to BOSS to use on 5. Plaintiff's behalf and for his benefit.
- For the year 2000, Plaintiff's monthly SSI benefit payment was \$766.00 for each of the 6. months from January through September, \$540.00 for the month of October, and \$0.00 for each of the months, November and December.
- 7. Plaintiff's eligibility for SSI was suspended effective November 2000 due to his incarceration.
- 8. On December 8, 2000, a check in the amount of \$765.00 was returned to the SSA.
- The returned check had been intended as payment of Plaintiff's October 2000 SSI 9. benefits.
- 10. The pertinent data base shows that Plaintiff was underpaid in the amount of \$540.00 for October 2000.
- 11. Plaintiff was not due the full \$765.00 SSI benefit payment for October 2000 because of a change in his state of residency to the state of Washington, for which a lower state supplementation rate was payable.
- 12. Plaintiff's eligibility for SSI terminated effective November 2001 due to his incarceration for 12 continuous months.
- 13. On March 28, 2004, Plaintiff filed another application for SSI benefits.
- 14. On June 9, 2004, SSA found that Plaintiff again qualified for SSI benefits, with benefits payable effective April 2004 and continuing.
- 15. On June 9, 2004, retroactive SSI benefit payments due the Plaintiff for the months of April through June 2004 were forwarded to the Department of Social and Health Services in Olympia, Washington, because Plaintiff had agreed to repay the King County

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Department of Social Services for general assistance received while Plaintiff's SSI application was being processed.

- On June 28, 2004, the Social Security Administration issued an SSI benefit payment of 16. \$542.00 to the Plaintiff, including \$540.00 in fulfillment of the outstanding underpayment for October 2000.
- The pertinent United States Treasury Department database shows that this SSI benefit 17. payment check for \$542.00 was cashed. (A paper copy of Treasury's online image of the cancelled check is attached as Exhibit 1).
- On August 18, 2004, SSA issued an SSI benefit payment of \$7.00 to Plaintiff in 18. fulfillment of an outstanding underpayment of \$1.00 per month for the months of March 2000 through September 2000.
- No available SSA information or evidence indicates that any other SSI monies paid to 19. BOSS for the Plaintiff were returned to SSA in the year 2000 or later.
- On July 25, 2005, Plaintiff filed a request for reconsideration, alleging that SSA had not 20. returned \$880.00 that BOSS/MASC had returned to SSA when he had left for Scattle. Washington, in the fall of 2000 (Exhibit 2); there is no evidence in SSA's records that SSA ever issued an Initial Determination or other written notice to Plaintiff regarding this matter.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed this 13th day of March 2008.

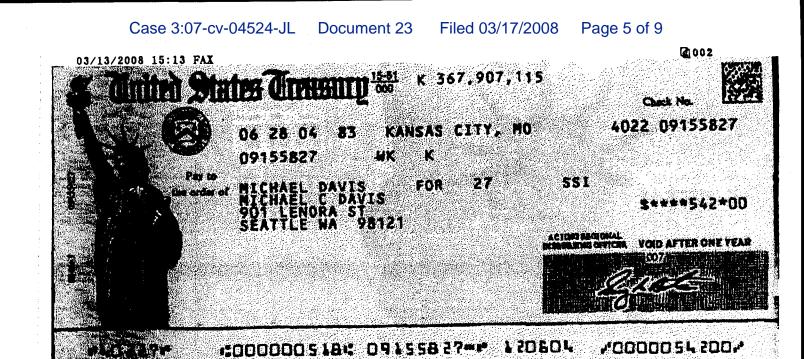
> Michael Hanson Program Specialist

SSI Team Region IX

Social Security Administration

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EXHIBIT 1



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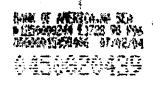


EXHIBIT 2

NOTE: Take or mall the signed original to your local Social Security office, the Veterans Affairs Regional Office in Manila or any U.S. Foreign Service post and keep a copy for your records.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

Declaration of Michael Hanson with Exhibits 1-2.

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

CERTIFIED MAIL (#) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

PERSONAL SERVICE (BY MESSENGER)

FEDERAL EXPRESS via Priority Overnight

EMAIL

FACSIMILE (FAX)

to the party(ies) addressed as follows:

Michael C. Davis, Pro Se Robert Barrer, Esq. BOSS/MASC 2362 Bancroft Way Berkeley, CA 94704 2065 Kittredge Street, Ste. E Berkeley, CA 94704

PH: 510.649.1930 FX: 510.649.0627 Website: www-selfsufficiency.org

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this March 17, 2008 at San Francisco, California.

LILY HO-VUONG Legal Assistant

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